STATE OF NEW YORK

7459

2021-2022 Regular Sessions

IN SENATE

October 20, 2021

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the social services law, in relation to reimbursement for home health services; and making in appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 368-a of the social services law is amended by adding a new paragraph (g-1) to read as follows:

(g-1) Notwithstanding paragraph (g) of this subdivision, section three hundred sixty-four-j of this title or any other provision of law, reimbursement for home health services provided in accordance with paragraph (d) of subdivision two of section three hundred sixty-five-a of this title by an individual or shared aide provided by an approved home health agency when such services are determined to be cost effective and appropriate to meet the recipient's needs for assistance shall be increased to include an amount necessary to cover the disparate labor and overtime costs associated with complying with the COVID-19 vaccine mandate and to offer incentive pay to retain and recruit workers. The commissioner shall develop methodologies for calculating such delivery costs which are separate from direct personal care. Such reimbursement increase shall include all home health services provided for eligible recipients under this article, including those available or obtained through federal waivers.

§ 2. The sum of one hundred million dollars ($100,000,000) is hereby appropriated for services and expenses for home care agencies to increase services provided by registered nurses, licensed practical nurses, certified nursing assistants, and home health care aides to cover labor and overtime costs and to offer incentive pay to retain and recruit workers sufficient to attain the highest practicable physical, mental and psychological well-being of each patient. Any disbursements from this appropriation shall be distributed pursuant to a plan submitted by the commissioner of the department of health and approved by the director of the budget.

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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